



## Lamoine Board of Selectmen

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### Minutes of July 17, 2014

Chair Gary McFarland called the meeting to order at 6:35 PM following a brief special town meeting.

Present were: Selectmen Nathan Mason, Bernie Johnson, Heather Fowler, Gary McFarland, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Fire Chief George Smith, School Committee members Michael Brann, Brett Jones, Superintendent Katrina Kane, Assessor Jane Fowler, Kathleen Rybarz, Bruce Gillett, Conservation Committee members Larry Libby, Carol Korty, Code Enforcement Officer Michael Jordan, Catherine deTuede, Kathryn Gaianguest, and Ellsworth American reporter Taylor Vortherms.

**Agenda** – Gary said he would move the item listed 3<sup>rd</sup> on the addendum under the Conservation Commission agenda item (8<sup>th</sup> on the regular agenda).

**Minutes of June 26, 2014** – Heather noted one minor change. Jo said she had a minor typo as well. Jo moved to approve the minutes as corrected. Heather 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Expenditure Warrant 1** – Selectmen signed expenditure warrant 1 in the amount of \$294,986.75. Stu reported he paid the fire truck loan as it was due two days prior to the meeting and this would avoid late fees. He said the school items made up a large amount of the warrant, including the summer teacher pay owed to RSU 24. He said Superintendent Kane was expected at the meeting to explain that. Jo asked about an education transition expenditure. Stu explained it was for IT services prior to July 1, 2014. Stu reported he transferred \$225,000 from investments to the checking account. He said that he filed the tax liens prior to the meeting in order to comply with state law.

**Cash & Budget Report** – Jo said she was impressed by the amount of excise tax collected. Heather asked if that was a positive economic sign. Stu said it could be. A brief discussion followed.

**Excise Tax Report** – Stu said April, May and June were monster months for excise tax collections, leading the highest amount ever collected in Lamoine.

**Checking Account Reconciliation** – Selectmen signed the statement expressing satisfaction with their review of the checking account.

**Encumbrance Order** – Selectmen signed an order encumbering the following amounts and removing the encumbrance as indicated following a motion by Nathan a 2<sup>nd</sup> by Gary and a **vote in favor of 5-0.**

Account Name	GL #	Amount	Purpose
Encumbered Funds	2-01-03	\$300.00	Paint Town Office Front Door
Cap Projects-Storage Garage	5-19-13.1	\$2,888.68	Roof, paint "Anderson" garage
Cemeteries – Vets Graves	5-14-04-03	\$2,800.00	Due to East Lamoine Cemetery pending contract Agreement
Roads-Buttermilk Road	5-09-09-10.21	\$4,500.00	Two cross culvert replacements
Roads-Buttermilk Road	5-09-09-10.21	\$3,000.00	Fix shoulders 261-395 both sides
Roads – Needles Eye Road	5-09-09-10.26	\$4,000.00	Replace Cross Culvert, fix shoulders
Total Encumbered		\$17,488.68	

The projects encumbered for FY 2013 as follows may be closed out:

Acct # 2-01-03	Beg Balance	Expended	Amt Closed	Closed To
Town Office Front Door	\$ 300.00	\$ -	\$ 300.00	Encumbered
Roads - Tree Removal	\$ 6,000.00	\$ 6,000.00	\$ -	n/a
Roads - Shore Road	\$ 2,000.00	\$ 1,940.00	\$ 60.00	Road Fund
Roads - Berry Cove Rd.	\$ 2,500.00	\$ -	\$ 2,500.00	Road Fund
Roads - Walker Road	\$ 1,500.00	\$ 360.00	\$ 1,140.00	Road Fund
Roads - Marlboro Beach Road	\$ 2,000.00	\$ 1,200.00	\$ 800.00	Road Fund
Roads - Crack Sealing	\$ 5,000.00	\$ 5,000.00	\$ -	n/a
Roads- Clamshell Pave	\$ 1,500.00	\$ 207.00	\$ 1,293.00	Road Fund
Roads - Cos Cob Pave	\$ 1,500.00	\$ 207.00	\$ 1,293.00	Road Fund
<b>Total</b>	<b>\$ 22,300.00</b>	<b>\$ 14,914.00</b>	<b>\$ 7,386.00</b>	

**Tax Liens** – Stu reported there were 64 tax liens filed which was one less than the previous year.

**Local Road Assistance Program** – Jo moved to accept the money for the Local Road Assistance Program from the Maine Department of Transportation. Gary 2<sup>nd</sup>. **Vote in favor was 5-0, the MDOT form was signed.**

**Heating Fuel Bids** – The Selectmen opened the bids from four companies that submitted heating fuel bids and read them as follows:

Company	#2 Fuel	Propane
Acadia Fuel	\$2.89	\$1.65
Dead River	\$3.26	\$2.14
No Frills Oil	\$3.117	\$1.699
RH Foster	\$3.159	\$1.999

Jo moved to accept the bid from Acadia Fuel. Nate 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Heating System Proposals** – Selectmen opened proposals from three companies and read them as follows:

Company	Proposed System	Cost
Irving Energy	Propane Furnace	\$4,839.91
Osborne Plumbing & Heating	Propane Furnace	\$4,890.00
Osborne Plumbing & Heating	Oil Furnace	\$5,793.00
Osborne Plumbing & Heating	Oil Tank	\$1,625.00
Osborne Plumbing & Heating	Heat Pumps	\$4,920.00
Osborne Plumbing & Heating	Duct Work Clean	\$700.00
RH Foster	Propane Furnace	\$5,320.00

Jo asked if removing the old furnace was included. Stu said it was part of the bid specification. Discussion followed on duct work, propane, and heat pumps, and it was concluded that heat pumps would not be practical for this situation.

Bernie moved to award the project to Osborne Plumbing & Heating for \$4,890 plus duct work cleaning at \$700.00. Nathan 2<sup>nd</sup>. **Vote in favor was 5-0.** It was noted that a propane tank would be needed. Stu said he would inquire as to how that would work.

**Summer Teacher Pay** – Superintendent of Schools Katrina Kane introduced herself to the Selectmen. She said they are currently trying to fill a custodial position and get up and running for September. She said the first Lamoine School Board meeting with the new administration took place earlier in the week and that an informal vision setting meeting is set for next Tuesday and invited the audience to that.

Mrs. Kane said Carolyn Heller is the business manager for the school and the Superintendent's office is located in the Camden National Bank building in Ellsworth. She said there were concerns in regard to funding for summer teacher pay, but no major issues. She said that the school department is just getting under way with the budget. She said the town owes the summer salaries to RSU 24, and the timelines for payment did not match up with the school board and Selectmen meetings, so the entire amount due was run through the last school warrant which was included on tonight's warrant. She said the school department has cut the checks and will distribute them to the RSU on the due dates. She explained that the budget was set up to include payroll until June 2015, so there will be an audit finding that the summer teacher pay due in 2015 should be accounted for. She said the budget really should have been set up through the summer of 2015, as it's an unfunded liability. She said the school board has not negotiated a new agreement with the teachers yet. She said there are a lot of solutions available for the summer pay issue, and after January 2015 the town meeting might be asked to fund that from the education fund balance. She said the town might also slowly change its budget cycle.

Mrs. Kane said she heard complaints about a lack of transparency with RSU 24 so she wanted to come by and say hello and let the Selectmen know that things are off to a good start. Heather asked if the school lost a half time custodian and has to replace them. Mrs. Kane said that was correct. She said the summer position is a daytime job, shifting from the night job during the school year. She said they are looking for candidates for the 20-hour a week job. Brett Jones noted an art teacher and IT person

have been hired. Nathan asked about a librarian. Mrs. Kane said that position and the nursing job have not been filled.

**Traffic Light Agreement** – Stu said the town had received an agreement earlier today from MDOT in regard to maintaining the light at the intersection of Routes 3 and 204 in Trenton. He said he reviewed it, and had a lot of concerns, including obligating Lamoine to perform things that only Trenton could do and a clause to maintain road striping at the intersection. He said he sent those concerns to MDOT via e-mail.

Brett Jones asked if Trenton had objected to the light. Gary McFarland said Trenton agreed with having the light in principle, but refused to pay to maintain it. He said there were concerns that the light could send more traffic down the Goose Cove Road. He said it was difficult to imagine that. He said originally Trenton and Lamoine talked about splitting the costs, but Trenton has said it would not pay for any maintenance of a light they did not request. A brief discussion followed.

**Conservation Commission – Simons Woods Trail** – Larry Libby said they were seeking bids for the parking lot job, and were checking first with in-town contractors. He said the Frenchman Bay Conservancy would provide material for bog bridges. He said the Conservancy has an easement and an annual maintenance program. He said some bridge maintenance is planned in October, but the Conservation Commission had hoped to complete work sooner.

Nathan asked who is responsible if someone gets hurt while building the trail. Mr. Libby said the Conservancy has a liability easement in its contract with the Simons' family. Stu reported the town has received proof of insurance from the conservancy. He said the bidding process is not required because the project is expected to cost less than \$5,000. Gary asked the Conservation Commission to keep the Selectmen up to date on the project. Jo said this will be another nice asset for the town.

**Water Testing Grant Application** – Gary said this could either take up a lot of time or the highlights be reviewed. He said he understands that this is a proposal to the City of Ellsworth and the Conservation Commission is requesting permission from the Board of Selectmen to submit the grant application.

Carol Korty explained the purpose of the grant is to protect water in the aquifer. She said the Conservation Commission has been organizing this grant since last August, and this is a potential source of money to gather ongoing data. She said the GET WET program has been under way for 9-years, but this is a more sophisticated proposal developed by Willem Brutsaert. She said the grant proposes funding for two years and grants would be needed to keep the project going. Gary asked if grants are not available, would they expect money to come from taxpayers. Ms. Korty said no, it is not part of the town budget.

Ms. Korty said Mr. Brutsaert is not available this evening. Gary said he had a lot of questions. He asked who is conducting the study. Ms. Korty said the project would consist of 12-wells spaced out over the aquifer. Bernie asked if they would be existing wells or would new wells be drilled. Ms. Korty said they might be able to use some

existing wells, but they can't be drilled into bedrock. Bernie asked why bedrock wells are different. Brett Jones said a bedrock well is below the aquifer. Ms. Korty said the wells would be approximately 30-feet deep.

Bernie asked what contaminants might show up from above. Ms. Korty said arsenic might show up. She said the objective is to see if anything shows up, and if it does, to ascertain the source and what might have caused it. Heather said there has been no testing that has established that there is any pollution going into the aquifer and asked why more aquifer penetration is needed. She said it seems like some want to keep going until they find something.

Nathan asked if the GET WET program found anything that would prompt the testing to go further. Ms. Korty said so far they have not found any contamination. She said the proposed program is different from the GET WET testing which is a relatively simple test. She said some wells did show some sodium and chloride which could be a road salt issue. Nathan said GET WET is a good cross section of drinking water and the testing did not find any trouble. Ms. Korty said it's a good project and educates students. She said the proposed 12-wells would test for different things which require sophisticated testing. She said trained people are needed to do that. She said the purpose is to find if other contaminants exist.

Mr. Jones said a big driving issue in the gravel pit debate is water. He said a majority of the wells in town are bedrock wells. He said the town would be better off testing a certain percentage of wells in town as a huge portion of the town is not under the aquifer. He asked if drilling 35-feet into 200-feet of overburden would give a representative sample. He questioned whether the effort and funding are planned well enough to gather meaningful data. He said he didn't know if it is correct to base decisions on the outcomes of a dozen wells.

Jo said she understood that grant program from Ellsworth was based on whether there were any public health concerns in the water. She said that would be good information and didn't think the data would be used in other ways.

Jane Fowler said there has been no answer to the question of whether there is any documented problem with the aquifer to date. She said part of the application claimed the town has been affected by sand and gravel mining for 100-years. She said that is an inappropriate statement. She asked who the policeman would be and said this would open a big can of worms. She said this takes things to great lengths that the town doesn't need to go. Ms. Korty said there were small pits in town 100-years ago. Jo said the sand was mostly used to make plaster. Ms. Korty said gravel was not an extensive industry at the time. A brief discussion followed.

Ms. Korty said no aquifer contamination has been found. She said the project would not involve a policeman in any fashion. She said any well testing would have to be completely voluntary. She said if some contamination were found, the owner would likely want to do something about it.

Bernie said he was concerned this could lead to heavy handed policies, which is a slippery slope. Jo said she agreed, but noted that arsenic and radon can have an effect on public health in the home. A lengthy discussion followed.

Ms. Korty said the town doesn't want to be putting its head into the sand. Bernie said it seems like the people on top of the aquifer are more affected by the aquifer than the aquifer is affected by the people on top.

Michael Jordan asked if all the tests would be done in the aquifer area. Ms. Korty said yes. Mr. Jordan asked what the problem is with the testing being done in the gravel pits already. He said there are 14-wells installed now, and asked why those tests are not good enough. Ms Korty said the Conservation Commission is not just concerned with gravel pits, but a whole mix of things. She said she can't answer why the current pit test wells are not appropriate. She said Mr. Brutsaert could answer that but he's not available. She said he had his reasons that those wells could not be used.

Mr. Jones said he's listened to a number of Conservation Commission meetings in recent weeks and the group has discussed things like gathering data about oil tanks. He said he does not like the notion of collecting data for an undetermined purpose. He said it is intrusively pestering people. Ms. Korty said the oil tank issue came as a result of discussion with Michelle Gagnon in Ellsworth and it got out of hand. She said the Conservation Commission has no intention of doing that.

Michael Brann asked whether the water in the aquifer is stagnant or it flows. He asked if there are any other projects of this scope in Maine. Gary said he understands the aquifer flows. Ms. Korty said the grant being applied for is the first in Maine to be available to a community for such a purpose from a polluted well. She said the idea is to prevent future pollution.

Kathryn Gaianguet said she is hearing anger over gravel pit issues. She said this is a different issue and she would not like to see the gravel pit issue transferred to the water quality issue. She said the latest report from Robert Gerber said that wells are needed at different depths in gravel pits, and they don't always go to the aquifer level. She noted that a neighbor is finding all kinds of contaminants in their water after testing. She said this is an important public health issue.

Mrs. Fowler said she has attended a few Conservation Commission meetings, and the commission has admitted that if a problem was detected, it could not be determined whether the problem was 50-feet away or in a completely different community. Heather said the information from the City of Ellsworth states that if one sells their land, there must be repayment to the City for the grant money. She said it would be up to the town to keep track of which properties sold. Larry Libby said the program funding source is compensation for damage to property and discussed the guidelines for individual applicants, saying that repayment should not apply to a municipality.

Heather said the application states that the aquifer storage capacity has been reduced significantly and asked what the source of that statement was. Ms Korty said she could not double check on that and did not know. Bernie said a lot of the application appears

to be opinion. Heather said a lot of the application is not factual and is not a good representation. Bernie said this appears to be an invitation to talk about gravel and the aquifer. Jane Fowler said she is concerned about the potential impact on small business.

Ms. Korty said the question is whether the town wants to collect data or not. She said this seemed like an opportunity to do so at no expense to the town. Heather asked where the matching funds would come from. Ms. Korty said the Lamoine Conservation Commission would offer a volunteer effort and the University of Maine has offered to do a time match. She said the grant application deadline is August 29, 2014. She said this is a draft document and the Conservation Commission could work on it.

Nathan asked if there was a survey on how many wells draw water from the aquifer vs. how many are in bedrock. Ms. Korty said no. She said the 1983 Gerber study identified wells that in 2002 had data submitted to the Planning Board. She said the GET WET program has all that data, too, but it's not scientific. Nathan said if the tests only pertain to a specific number of residents, he would like to know how many people the data affects. He said data is used to create policy, and if there is a narrow window of testing, it could develop a skewed policy. He said the proposed program would not give a complete view of Lamoine. Ms. Korty said the gravel located in Marlboro is thought to favor a large aquifer. She said she didn't know if the bedrock wells are affected by what goes on in the aquifer. Bernie said people could have their own water tested.

Gary asked about defective septic systems as identified as potential pollution sources. Stu said the Local Plumbing Inspector is responsible for those and there are state programs to fix such systems if they are identified. Gary noted that the state has a fund to deal with leaky oil tanks. He said oil distribution companies use common sense. He said he has heard concerns from people about having town officials come onto their property to inspect oil tanks.

Jo said it looks like the application needs work. She said it's unfortunate this has become a political issue. Mr. Jones said he was curious about the Conservation Commission's role and said he had read the ordinance. Jo said she would take credit for creating the Conservation Commission years ago when there was a gas tank controversy. She reviewed the history of the Conservation Commission and said it has done some great work and that it's too bad it has become a political hot button. She said that was not the intent and the Conservation Commission still has potential. She said the Simons Trail is the type of thing that is good about the commission.

Mr. Jones said he was concerned about the autonomy shown by some of the town boards. He said often it seems like boards try to get something done before anybody knows what is going on. He said the Conservation Commission seems to have a one-sided view and is not a cross-section of the town. He said the same is true of the Planning Board. Jo said it's unfortunate that the town has a division.

Ms. Korty said the Conservation Commission's role in this project would be to make contact with potential well host property owners and obtain permission to install a well. Stu said he's not sure where the permission authority lies in such a matter – whether it

might need town meeting approval or not. He said there are liability issues for drilling a well on private property and someone would have to supply the electricity for the wells. Jo said the proposal needs work.

Bernie said he was concerned that individual property owners might become the next target of regulation. A brief discussion followed. Ms. Korty said the Conservation Commission has done many other things that have nothing to do with gravel. Mr. Jones said he would hate to start hearing that people have the wrong plants in their yard; their lights are too bright. He said the sense he gets from all of this is that people want to be left alone.

Ms. Gaianguet said aquifers in other communities have been polluted and destroyed and are not recovering. Nathan said that usually has an industrial source. Ms. Gaianguet said she would like to hear from the Selectmen that the aquifer is a concern. Nathan said strip mining has been a problem with water quality in other states. He referred to the contaminant list in the project proposal and asked if something is found, what the expectation would be to do something about it. He said the things of concern are not present in Lamoine.

Gary said the proposal mentioned placing a table at the transfer station for an education effort to hand out brochures. He said he got a lot calls from people who were upset how information was handed out at the transfer station during the election in June. He said the Selectmen would have to look at that down the road. Ms. Korty said she consulted with the transfer station manager and got permission. She said there has been enough discussion on the grant proposal and asked for a motion.

Heather moved to not go ahead with this grant application at this time. Jo said she was not against the idea, but she is not for the present application because there are too many questions. Bernie 2<sup>nd</sup>. **Vote in favor was 4-0 (Cooper abstained).**

Ms. Korty asked if they could bring another draft to the August 14, 2014 meeting. She said they knew they needed Selectboard approval and presented the draft for feedback. Bernie suggested the Conservation Commission use that feedback to redraft the proposal. Gary said another draft could be submitted for the August 14<sup>th</sup> meeting.

**Letter from Friends of Lamoine** – Gary said the Selectmen received the letter this evening and have not had a chance to read or absorb it. He thanked the organizers of the group and said the Selectmen could not take action tonight. He said this would be placed on a future agenda.

**Comprehensive Planning Committee** – Stu said Code Enforcement Officer Jordan asked to not be an appointed board member, but that the CEO, now matter who it might be, has a seat at the table for the committee in an advisory role. Stu said Andrea Ames was selected as an alternate committee member, and suggested she could be appointed as a full member instead. Heather moved to appoint Richard McMullen as a full member to the Comprehensive Planning Committee, replacing Michael Jordan, noting that he was on the original list of those interested in serving. Gary 2<sup>nd</sup> the nomination. **Vote in favor was 5-0.**



Bernie asked Mr. Jordan why he decided to back away from being a committee member. Mr. Jordan said it is a long process and he might not be the CEO for the entire time, and felt it was important to have the CEO be part of the process and be at the table.

Initial Meeting – After a brief discussion, Selectmen asked if the Comprehensive Planning Committee could hold its initial meeting in conjunction with the Selectmen's meeting on August 14, 2014.

**Heating Assistance Program Committee** – Heather moved to appoint Jane Fowler, Kathryn Gaianguet and Walter Grenier to the committee. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Gravel Work Group Report** – Gary said the ball is now in the Selectmen's court to do in a timely manner. He said he would be open to having a meeting dedicated to this and that would speed things up. A discussion followed on potential dates, and it was agreed that Thursday, August 7, 2014 at 6:00 PM would be the night.

Stu noted the Planning Board has offered to meet to review the present gravel ordinance. Bernie said it might be better to get a feel for things at the first meeting, and then bounce ideas off the Planning Board. Stu said he would let the Planning Board know about the meeting date, and then maybe discussion could follow at the August 14, 2014 meeting. A brief discussion followed. Ms. Gaianguet asked if there was any long term plan in regard to the process. Gary said the Selectboard has not yet met to discuss that. He said that would be a topic at the August 7 meeting.

**Service Thanks** – Selectmen signed letters to Jim Gallagher and Richard Brey thanking them for their service on the Planning Board and Parks Commission respectively.

**MMA Executive Board Ballot** – Nate moved to authorize Stu to cast the ballot on behalf of the Selectmen. Gary 2<sup>nd</sup>. **Vote in favor was 5-0 (note that candidates were unopposed).**

**Projects** – Stu requested that Bill Fennelly be hired to clean up brush piles at Bloomfield Park, fix a picnic table at that park, and paint the Anderson garage. Nate moved to approve, Bernie 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Next Meetings** – Gary said the next meetings would be August 7, 2014 at 6PM (Gravel Ordinance Workshop) and August 14, 2014 at 7PM (regular meeting).

There being no further business, the meeting adjourned at 8:53 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen